

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 21767 of 1995

Between:

Gnanajyothi Weaker Section Welfare Association, Bachpally, Qutubullapur Mandal,
R.R.District, Rep by its President K.Sambasiva Rao .S/o.Chinna Raghavulu R/o.
Plot No.7, U.P.B.Housing Colony, Bachpally, Qutubullapur Mandal, R.R.Dist.

..... PETITIONER

AND

1. The Collector, RR.Dist, Saifabad , Hyderabad.
2. The Revenue Divisional Officer, East, R.R.District, Goshamahal,
Hyderabad.
3. A.P. Urban Development and Housing Corporations Ltd., Hyderabad, rep.
by its Managing Director.
4. The District Manager, A.P. Urban Development Housing Corporation Ltd.,
R.R.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of Mandamus declaring the action of the respondent in allotting the houses in Urban Permanent Housing Colony at Bachpally Comprised in sy.No.186 of Qutbullapur Mandal , RR.District which belongs to the members of the petitioner Association to the third parties and evicting the members of the Petitioner-Association is arbitrary, illegal , ultravires, without the authority of law and opposed to the principles of natural justice and is violative of Articles 14 and 21 of the Constitution of India and issue consequential directions not to evict the members of the petitioner-society (As per the Annexure List filed in Material papers) from their houses , and pass such other order or orders.

Ms.Kavitha

Counsel for the Petitioner: MR.V.VENKATARAMANA

Counsel for Respondents 1 and 2: G.P. for Revenue.

Counsel for Respondents 3 and 4: Mr.Mohan Rami Reddy

The Court made the following ORDER:

Petitioner is an association viz. 'Gnanajyoti Weaker Section Welfare Association, Bachpally, Qutbullapur Mandal, Ranga Reddy District'. It assails the action of the respondents in allotting the houses of its beneficiaries to the third parties and seeks appropriate direction to the respondents not to evict its beneficiaries from the possession of their houses.

The facts of the case, in brief, are as follows:

The beneficiaries of the petitioner-association were allotted house plots, measuring 100 Sq. yards each, in survey No.186 of Bachpally village, Qutbullapur Mandal, Rangan Reddy District and were granted pattas in respect thereof, in 1981, by the then Tahsildar, Medchal. The case of the petitioner is that in 1991, the third respondent approached it and decided to construct permanent houses to its beneficiaries, on payment of R.361/- towards share capital, Rs.11,700/- towards beneficiary contribution and Rs.1,000/- towards subsidy. Later, the construction of the houses was completed and the possession was also delivered to the beneficiaries, in 1993. While so, the officials of the third respondent are interfering with the possession and enjoyment of the beneficiaries and thereby trying to evict them from the said houses. Hence, this writ petition.

Heard Ms.Kavitha, learned counsel appearing on behalf of Sri Vedula Venkata Ramana, learned counsel for the petitioner and Sri Mohan Rami Reddy, learned counsel for the respondents 3 and 4.

The limited grievance of the petitioner is that the houses in the possession of its beneficiaries were allotted to the third parties by the third respondent. As could be seen from the record, nothing has been placed before this Court to show that the third respondent- corporation had interfered with the possession of the beneficiaries and allotted their houses to the third parties. In the absence of such documentary

evidence, this Court cannot entertain this writ petition, under Article 226 of the Constitution of India.

The writ petition is accordingly dismissed. No order as to costs.

27-01-2005

kdl

To

1. The Collector, RR.Dist, Saifabad , Hyderabad.
2. The Revenue Divisional Officer, East, R.R.District, Goshamahall, Hyderabad.
3. The Managing Director, A.P. Urban Development and Housing Corporations Ltd., Hyderabad,
4. The District Manager, A.P. Urban Development and Housing Corporation

Ltd., R.R.District.

5. Two C.Cs. to the Government Pleader for Revenue, High Court of A.P.,
Hyderabad, (OUT).
6. Two C.D. Copies.